

# **EXHIBIT C**

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
**SUPPLEMENTAL PRODUCTION FROM THE ZHP PARTIES (ECF NO. 1405) PURSUANT TO LOCAL CIVIL RULE 5.3(C)**

Material To Be Sealed	Basis for Sealing	Clearly Defined and Serious Injury that Would Result if the Relief is Not Granted	Why a Less Restrictive Alternative to the Relief Sought Is Not Available	Party in Opposition to Sealing, If Any, And Basis
1. <b>ZHP02471924</b> (ECF No. <a href="#">1405</a> , Ex. 4) and <b>ZHP02734637</b> (ECF No. <a href="#">1405</a> , Ex. 5) (duplicate of Ex. 4)	<p>The ZHP Parties request that these Exhibits be sealed because they contain confidential business information disclosed by the ZHP Parties' customer pursuant to a mutual confidential disclosure agreement. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(a) and (b); Xu Decl. ¶¶ 3-5.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in these Exhibits, and these Exhibits were designated "RESTRICTED CONFIDENTIAL" to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(a) and (b).</p>	<p>These Exhibits contain non-public, commercially sensitive information obtained through the ZHP Parties' business relationship with its customer, and are subject to a confidentiality agreement restricting the dissemination of confidential and proprietary information relating to valsartan. <i>See</i> Xu Decl. ¶ 5.</p> <p>Deliberate disclosure of these Exhibits would subject the ZHP Parties to legal liability for breach of the confidentiality agreement, resulting in significant financial harm to the ZHP Parties in the form of litigation costs, contract damages, and equitable relief, including injunction and specific performance for any breach. <i>See id.</i> at ¶ 6.</p>	<p>The ZHP Parties request that these Exhibits be sealed because they contain confidential business information disclosed by the ZHP Parties' customer pursuant to a mutual confidential disclosure agreement. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(a) and (b); Xu Decl. ¶¶ 3-5.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal these Exhibits because they implicate protectable third party privacy interests. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to sealing these Exhibits on the grounds that confidential treatment is not justified under the Protective Order in light of their belief that the ZHP Parties have waived confidentiality as to Exhibit 4 (of which Exhibit 5 is a duplicate), and that they appear to discuss matters of public knowledge. <i>See</i> Proposed FOF/COL Decl. at ¶ 41.</p>

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
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2. <b>ZHP02490581</b> (ECF No. <a href="#">1405</a> , Ex. 6) and <b>ZHP02735368</b> (ECF No. <a href="#">1405</a> , Ex. 7) (duplicate of Exhibit 6)	<p>The ZHP Parties request that these Exhibits be sealed because they contain confidential business information disclosed by the ZHP Parties' customer pursuant to a mutual confidential disclosure agreement. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(c) and (d); Xu Decl. ¶¶ 7-9.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in these Exhibits, and these Exhibits were designated "RESTRICTED CONFIDENTIAL" to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(c) and (d).</p>	<p>These Exhibits contain non-public, commercially sensitive information obtained through the ZHP Parties' business relationship with its customer, and are subject to a confidentiality provision of a supply agreement restricting the dissemination of confidential information and data disclosed in connection with the parties' business relationship. <i>See</i> Xu Decl. ¶¶ 7-8.</p> <p>Deliberate disclosure of these two Exhibits would subject the ZHP Parties to legal liability for breach of the supply agreement, resulting in significant financial harm to the ZHP Parties in the form of litigation costs and contract damages. <i>See id.</i> at ¶ 10.</p>	<p>The ZHP Parties request that these Exhibits be sealed because they contain confidential business information disclosed by the ZHP Parties' customer pursuant to a mutual confidential disclosure agreement. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(c) and (d); Xu Decl. ¶¶ 7-9.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal these Exhibits because they implicate protectable third party privacy interests. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to sealing these Exhibits on the grounds that confidential treatment is not justified under the Protective Order in light of their belief that the ZHP Parties have waived confidentiality as to Exhibit 6 (of which Exhibit 7 is a duplicate), and that they appear to discuss matters of public knowledge. <i>See</i> Proposed FOF/COL Decl. at ¶ 41.</p>

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
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3. <b>ZHP02731217</b> (ECF No. <a href="#">1405</a> , Ex. 8)	<p>The ZHP Parties request that this Exhibit be sealed because it contains non-public, internal communications between ZHP employees regarding testing of the ZHP Parties' irbesartan intermediate compounds, and describes non-public, proprietary testing practices and procedures unrelated to the claims at issue in this litigation. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(e); Li Decl. ¶ 3.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in this Exhibit, and this Exhibit was designated "RESTRICTED CONFIDENTIAL" to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(e).</p>	<p>This Exhibit discloses non-public, internal communications regarding the testing of the ZHP Parties' irbesartan intermediate compounds. <i>See</i> Li Decl. ¶ 3.</p> <p>Disclosure of this Exhibit would disclose the ZHP Parties' testing practices and procedures to the ZHP Parties' direct competitors, which would result in significant competitive harm by allowing them to benefit from the ZHP Parties' research and development while the FDA restricts the ZHP Parties from exporting products into the U.S. market. <i>See id.</i></p>	<p>The ZHP Parties request that this Exhibit be sealed because it contains non-public, internal communications between ZHP employees regarding testing of the ZHP Parties' irbesartan intermediate compounds, which describes non-public, proprietary testing practices and procedures unrelated to the claims at issue in this litigation. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(e); Li Decl. ¶ 3.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal this Exhibit because it discloses proprietary, non-public information regarding the ZHP Parties' product testing with the goal of improving and optimizing manufacturing processes of one of the ZHP Parties' pharmaceutical APIs. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to the ZHP Parties' request to seal this Exhibit on the grounds that confidential treatment is not justified under the Protective Order in light of what they argue is the public's right to access court records. <i>See</i> Proposed FOF/COL Decl. at ¶ 45.</p>

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
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4. <b>ZHP00180427</b> (ECF No. <a href="#">1405</a> , Ex. 9)	<p>The ZHP Parties request that this Exhibit be sealed because it contains confidential business information regarding the parties' chromatography testing results disclosed by the ZHP Parties' customer pursuant to a mutual confidential disclosure agreement. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(f); Xu Decl. ¶¶ 11-14.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in this Exhibit, and this Exhibit was designated "RESTRICTED CONFIDENTIAL" to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(f).</p>	<p>This Exhibit contains non-public, commercially sensitive information regarding the parties' chromatography testing results, which were obtained through the ZHP Parties' business relationship with its customer, was subject to a confidentiality agreement restricting the dissemination of confidential information and data disclosed in connection with the parties' business relationship, and is presently subject to confidentiality obligations pursuant to the terms and conditions of the parties' purchase order. <i>See</i> Xu Decl. ¶¶ 11-14.</p> <p>Deliberate disclosure of this Exhibit would subject the ZHP Parties to legal liability for breach of the terms and conditions, resulting in significant financial harm to the ZHP Parties in the form of litigation costs and contract damages, as well as possible injunctive relief. <i>See id.</i> at ¶ 15.</p>	<p>The ZHP Parties request that this Exhibit be sealed because it contains confidential business information regarding the parties' chromatography testing results disclosed by the ZHP Parties' customer pursuant to a confidential disclosure agreement. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(f); Xu Decl. ¶¶ 11-14.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal this Exhibit because it implicates protectable third party privacy interests. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to the ZHP Parties' request to seal this Exhibit on the grounds that confidential treatment is not justified under the Protective Order in light of what they argue is the public's right to access court records. <i>See</i> Proposed FOF/COL Decl. at ¶ 45.</p>

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
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5. <b>ZHP02628144</b> (ECF No. <a href="#">1405</a> , Ex. 10)	<p>The ZHP Parties request that this Exhibit be sealed because it contains non-public communications between the ZHP Parties and a potential business partner regarding proposed revisions to a draft valsartan synthesis process development contract, including whether to expand the agreement's provisions to encompass products unrelated to valsartan, as well as material costs and product specifications. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(g); Xu Decl. at ¶¶ 16-17.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in this Exhibit, and this Exhibit was designated "CONFIDENTIAL" to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(g).</p>	<p>The clearly defined and serious injury that would result is the disclosure of the ZHP Parties' contract negotiations with potential business partners prior to execution, and project development costs to its direct competitors, many of whom are defendants in this litigation. <i>See</i> Proposed FOF/COL Decl. at ¶ 29; Xu Decl. at ¶¶ 16-17.</p> <p>Such disclosure would compromise the future integrity of the ZHP Parties' project negotiations, while allowing its direct competitors to take advantage of the ZHP Parties' business strategies and cost analyses. <i>See id.</i></p>	<p>The ZHP Parties request that this Exhibit be sealed because it contains non-public communications between the ZHP Parties and a potential business partner regarding proposed revisions to a draft valsartan synthesis process development contract, including whether to expand the agreement's provisions to encompass products unrelated to valsartan, as well as material costs and product specifications. <i>See</i> Xu Decl. at ¶¶ 16-17.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal this Exhibit because it discloses proprietary, non-public information regarding the ZHP Parties' business negotiations, material costs, and product specifications. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to the ZHP Parties' request to seal Exhibit 10 on the grounds that confidential treatment is not justified under the Protective Order because Plaintiffs allege that Exhibit 10 is a routine business communication that does not warrant sealing as a court record. <i>See</i> Proposed FOF/COL Decl. at ¶ 44.</p>

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
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6. <b>ZHP02710347</b> (ECF No. <a href="#">1405</a> , Ex. 14)	<p>The ZHP Parties request that this Exhibit be sealed because it is an investigation report prepared by the ZHP Parties, which details proprietary specifications and testing methods for impurities related to irbesartan and unrelated to the claims at issue in this litigation. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(h); Li Decl. ¶ 4.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in this Exhibit, and this Exhibit was designated “RESTRICTED CONFIDENTIAL” to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(h).</p>	<p>This Exhibit discloses non-public, proprietary specifications and testing methods relating to irbesartan, and reveals how the ZHP Parties sought to optimize their procedures for manufacturing irbesartan, which were the result of significant research and development by the ZHP Parties. <i>See</i> Li Decl. ¶ 4.</p> <p>Disclosure of this Exhibit would disclose the ZHP Parties’ API processes, testing methods, and process optimization strategies to the ZHP Parties’ direct competitors, which would result in significant competitive harm, by allowing them to benefit from the ZHP Parties’ internal research and development while the FDA restricts the ZHP Parties from exporting products from its Chuannan facility into the U.S. market. <i>See id.</i></p>	<p>The ZHP Parties request that this Exhibit be sealed because it is an investigation report prepared by the ZHP Parties, which details proprietary specifications and testing methods for impurities related to irbesartan and unrelated to the claims at issue in this litigation. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(h); Li Decl. ¶ 4.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal this Exhibit because it discloses proprietary, non-public information regarding the ZHP Parties’ product testing with the goal of improving and optimizing manufacturing processes of one of the ZHP Parties’ pharmaceutical APIs. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to the ZHP Parties’ request to seal this Exhibit on the grounds that confidential treatment is not justified under the Protective Order in light of what they argue is the public’s right to access court records. <i>See</i> Proposed FOF/COL Decl. at ¶ 45.</p>

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
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7.	<b>ZHP02710344</b> (ECF No. <a href="#">1405</a> , Ex. 15)	<p>The ZHP Parties request that this Exhibit be sealed because it contains the ZHP Parties' non-public pilot test results that detail the ZHP Parties' proprietary specifications and testing methods for impurities in irbesartan. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(i); Li Decl. at ¶ 5.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in this Exhibit, and this Exhibit was designated "RESTRICTED CONFIDENTIAL" to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(i).</p>	<p>This Exhibit discloses proprietary specifications and testing methods relating to irbesartan, which were the result of significant research and development by the ZHP Parties. <i>See</i> Li Decl. ¶ 5.</p> <p>Disclosure of this Exhibit would disclose the ZHP Parties' API testing methods to the ZHP Parties' direct competitors, which would result in significant competitive harm, by allowing them to benefit from the ZHP Parties' internal research and development while the FDA restricts the ZHP Parties from exporting products from its Chuannan facility into the U.S. market. <i>See id.</i></p>	<p>The ZHP Parties request that this Exhibit be sealed because it contains the ZHP Parties' non-public pilot test results that detail the ZHP Parties' proprietary specifications and testing methods for impurities in irbesartan. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(i); Li Decl. at ¶ 5.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal this Exhibit because it discloses proprietary, non-public information regarding the ZHP Parties' product testing with the goal of improving and optimizing manufacturing processes of one of the ZHP Parties' pharmaceutical APIs. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to the ZHP Parties' request to seal this Exhibit on the grounds that confidential treatment is not justified under the Protective Order in light of what they argue is the public's right to access court records. <i>See</i> Proposed FOF/COL Decl. at ¶ 45.</p>

**INDEX TO ZHP PARTIES' MOTION TO SEAL EXHIBITS TO PLAINTIFFS' MOTION TO COMPEL**  
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8. <b>ZHP02710242</b> (ECF No. <a href="#">1405</a> , Ex. 16)	<p>The ZHP Parties request that this Exhibit be sealed because it contains internal, non-public experiment results regarding the testing and validation of irbesartan samples that detail the ZHP Parties' proprietary specifications and testing methods for impurities in irbesartan. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(j); Li Decl. ¶ 6.</p> <p>The Protective Order entered by the Honorable Judge Kugler on June 26, 2019 (<a href="#">ECF No. 139</a>) specifically allows for confidential treatment of the information contained in this Exhibit, and this Exhibit was designated "RESTRICTED CONFIDENTIAL" to protect against disclosure. <i>See</i> Proposed FOF/COL Decl. at ¶¶ 3, 11(j).</p>	<p>This Exhibit details the ZHP Parties' proprietary specifications and testing methods for irbesartan. <i>See</i> Li Decl. ¶ 6.</p> <p>Disclosure of this Exhibit would disclose the ZHP Parties' API testing methods to the ZHP Parties' direct competitors, which would result in significant competitive harm, by allowing them to benefit from the ZHP Parties' internal research and development while the FDA restricts the ZHP Parties from exporting products from its Chuannan facility into the U.S. market. <i>See id.</i></p>	<p>The ZHP Parties request that this Exhibit be sealed because it contains internal, non-public experiment results regarding the testing and validation of irbesartan samples that detail the ZHP Parties' proprietary specifications and testing methods for impurities in irbesartan. <i>See</i> Proposed FOF/COL Decl. at ¶ 11(j); Li Decl. ¶ 6.</p> <p>There is no less restrictive alternative available or practicable because the ZHP Parties have reviewed and analyzed each exhibit challenged by Plaintiffs in order to specifically identify exactly what exhibits should remain sealed, and seek to seal this Exhibit because it discloses proprietary, non-public information regarding the ZHP Parties' product testing with the goal of improving and optimizing manufacturing processes of one of the ZHP Parties' pharmaceutical APIs. <i>See</i> Proposed FOF/COL Decl. at ¶ 38.</p>	<p>Plaintiffs have objected to the ZHP Parties' request to seal this Exhibit on the grounds that confidential treatment is not justified under the Protective Order in light of what they argue is the public's right to access court records. <i>See</i> Proposed FOF/COL Decl. at ¶ 45.</p>